

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No.: 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

Chrysler Financial Services Americas LLC,

ADV Case No.: 09-5019

Plaintiff,

vs.

Dennis E. Hecker,

Defendant.

JOINDER OF CHAPTER 7 TRUSTEE

Randall L. Seaver, the Chapter 7 Trustee (“**Trustee**”) of the bankruptcy estate of Debtor Dennis E. Hecker (“**Debtor**”) joins the motion of Chrysler Financial Services Americas, LLC (“**Chrysler**”) seeking to establish a protocol for the review of the Cindy Bowser e-mail. The Trustee is an interested party as to this litigation.

Pursuant to a subpoena served upon Chrysler, the Trustee has received what is indicated to be the Bowser e-mail on a disc. (The Debtor did not seek a protective order with respect to the Trustee’s subpoena upon Chrysler despite being made aware of the same.) The Trustee has not reviewed the Bowser e-mail and has stated orally and in writing to Debtor’s counsel that he will not review the same until the Court gives further direction. Even with that assurance, Debtor’s counsel has continued to indicate that the Trustee, and his counsel, will have

“problems” due to their possession of the “stolen e-mail” and has continued to demand that the Trustee’s disc be turned over to the Debtor.

It is highly likely that the Bowser e-mail contains correspondence which the Debtor is already required to turnover pursuant to the Court’s Order of October 21, 2009 directing the Debtor to turnover records to the Trustee.¹ While the Trustee agreed to extend the deadline for the Debtor’s production pursuant to November 11, 2009, the Debtor has failed to comply, at all, with the Order. Therefore, it is becoming more and more likely that one of the Trustee’s best source for information may become the Bowser e-mail. Establishing a protocol which results in the near-term access to the Bowser e-mail is in the best interest of the estate, as well as Chrysler.

The Trustee supports Chrysler’s motion and believes that the Debtor’s motion to disqualify Chrysler’s counsel is misplaced. In the interim, the Trustee will continue to refrain from reviewing the Bowser e-mail, at all, until the Court provides guidance as to this matter.

**LEONARD, O’BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: November 12, 2009

By: _____
Matthew R. Burton #210018
100 South Fifth Street
Suite 2500
Minneapolis, Minnesota 55402
Telephone: (612) 332-1030

**ATTORNEYS FOR RANDALL L. SEAVER,
TRUSTEE**

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¹ Debtor is required to turnover, among other things, “Copies of all e-mails between Dennis E. Hecker and anyone, except for e-mails between Hecker and his attorneys, and e-mails between Hecker and his spouse, for the time period of June 1, 2008 to date.”

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UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2009, I caused the following documents:

Joinder of Chapter 7 Trustee

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

Dated: November 12, 2009

/e/ Stephanie Wood

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030